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FOL. NO. OR PA. NUMBER: 1636 AUTHORITY TO: U.S. OADR

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CUBA - FINANCING ICRC INSPECTORATE

REF: USUN 1629

PURSUANT TO REFTEL, NOYES AND SCHWEBEL CALLED ON STAVROPOULOS (SECRETARIAT) TO EXPLORE LEGAL DIFFICULTIES SEEN BY NARASIMHAN IN SYG INCURRING EXPENDITURES FOR ICRC INSPECTORATE. NOYES SAID HE UNDERSTOOD STAVROPOULOS SAW NO LEGAL DIFFICULTY BUT THAT LEGAL QUESTION HAD BEEN RAISED ANEW.

STAVROPOULOS REPLIED THAT, WHILE HE WAS WITH US AND HAD BEEN ALL ALONG, U THANT AND OTHERS DID SEE DIFFICULTY. QUESTION COULD BE RAISED ABOUT WHETHER SYG PROPERLY COULD INCUR UN EXPENDITURES (A) WITHOUT SC AUTHORIZATION, AND (B) FOR ACTIVITY WHICH MIGHT WELL NOT BE UN OPERATION. WAS, STAVROPOULOS ASKED, ARTICLE 99 SUFFICIENT AUTHORITY?

IN REPLY, SCHWEBEL STATED ARTICLE 99 IS SUFFICIENT. HE RECALLED PRECEDENT OF GREEK BORDER CASE, IN WHICH, BEFORE VOTE TAKEN IN SC ON RESOLUTION TO DISPATCH BORDER INVESTIGATION COMMISSION, TRYGVE LIE STATED THAT, EVEN IF THAT RESOLUTION WERE DEFEATED, HE RESERVED SYG'S RIGHT UNDER ARTICLE 99 INDEPENDENTLY TO CONDUCT SUCH INVESTIGATION.

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LIE'S STATEMENT WAS NOT DISPUTED IN SC AND, IN FACT, WAS STRONGLY SUPPORTED BY GROMYKO. HERE, SYG HAD MUCH STRONGER CASE SINCE, FAR FROM ACTING WHERE SC RESOLUTION DEFEATED, HE COULD BE SAID TO BE ACTING UNDER MANDATE OF SC ARISING FROM COMBINATION OF FACTORS, NAMELY, SC BEING SEIZED OF CASE, SYG HAVING INTERVENED AT REQUEST OF LARGE NUMBER OF MEMBERS, AND UNDERSTANDING OF SC UPON ADJOURNMENT THAT SYG WOULD CARRY FORWARD HIS MEDIATION EFFORT, WHICH HAD BEEN ACCEPTED BY USSR AND USG. MOREOVER, GA RES ON UNFORESEEN AND EXTRA-ORDINARY EXPENSES WAS NOTED. FURTHERMORE, NOYES STATED, ICRC WOULD BE ACTING AS AGENT OF SYG. IN VIEW USG, ICRC INSPECTION WOULD CERTAINLY BE UN OPERATION. IT SHOULD BE, FOR REASONS OF UN PRESTIGE AND, NOYES NOTED, IT WOULD HAVE TO BE SINCE SOME AUTHORITY WOULD HAVE TO SUPERVISE ICRC, RECEIVE ITS REPORTS, AND DIRECT ITS ACTIONS.

STAVROPOULOS CONCEDED THAT LEGALLY SYG COULD INCUR ICRC EXPENDITURES BUT HE STATED SYG WARY OF POLITICAL DIFFICULTIES SUCH INITIATIVE ON HIS PART MIGHT POSE. EVEN IF US AND USSR AGREED ON UN MEETING EXPENDITURES, OTHER 108 MEMBERS MIGHT FEEL OTHERWISE. STAVROPOULOS SAID SYG WAS SENSITIVE TO WIDESPREAD SENTIMENT AMONG MEMBERSHIP THAT CUBAN CRISIS CREATION OF USG, OR OF USSR, OR BOTH, AND THAT IF USG WANTED SOVIET OFFENSIVE WEAPONS OUT OF CUBA, IT SHOULD PAY FOR ACHIEVEMENT OF THAT OBJECTIVE. MOREOVER, STAVROPOULOS SAID USSR HAD MADE PLAIN IT WOULD NOT SHARE EXPENSES WITH USG, THOUGH, AS TO WHETHER USSR WOULD BE AGREEABLE TO EXPENSES BEING BORNE BY UN BUDGET, USSR HAD TAKEN NO POSITION.

NOYES RESPONDED THAT, WHILE SHARING EXPENSES BETWEEN USSR AND USG MIGHT BE ACCEPTABLE, POLITICAL IMPLICATION OF USG ALONE BEARING ALL OF EXPENSES UNACCEPTABLE. STAVROPOULOS SUGGESTED THAT POSSIBLY EXPENSES MIGHT BE DIVIDED BETWEEN USG AND USSR, USG BEARING MUCH LARGER PROPORTION, JUST AS IT BEARS LARGER PROPORTION THAN USSR OF UN BUDGET. NOYES DID NOT TAKE UP THAT SUGGESTION. HE POINTED OUT THAT CUBAN CRISIS

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AFFECTED PEACE OF WORLD AND WAS OF IMPORTANCE TO ALL MEMBERS. FURTHERMORE, ON ASSUMPTION, ON WHICH USG PROCEEDING, THAT UN WOULD SET UP INSPECTION ON GROUND IN CUBA, THERE INEVITABLY WOULD BE UN EXPENSES SUBSTANTIALLY LARGER THAN ICRC PORTION. SURELY UN WOULD MEET THESE. MOREOVER, IT WOULD REDOUND TO UN PRESTIGE TO CARRY OFF RESOLUTION OF CUBAN CRISIS. TO IMPOSE FINANCING OF DISPOSITION OF SUCH THREAT TO THE PEACE UPON PARTIES MOST DIRECTLY CONCERNED MIGHT BE UNDESIRABLE PRECEDENT FOR FUTURE UN PEACE-KEEPING ACTIVITIES, WHICH SHOULD NOT UNDULY RELY ON WILLINGNESS OF PARTIES IMMEDIATELY CONCERNED TO FINANCE THEM. NEW GUINEA PRECEDENT WAS EXCEPTIONAL. LASTLY, UN HAD BEEN PREPARED TO FINANCE INSPECTION IN CUBA; IT HAD PLANNED TO LEAVE TWO-THIRDS OF SYG'S CUBAN PARTY, INCLUDING RIKHYE, BEHIND. WHY THEN HESITATE TO MEET COSTS OF ICRC INSPECTION?

STAVROPOULOS INDICATED THAT, WHILE HE WAS PERSUADED OF COGENCY OF USG POSITION, SYG WAS NOT. NOYES EMPHASIZED, IN ANY CASE, THAT IMMEDIATE PROBLEM WAS TO ASSURE THAT ICRC INSPECTION BEGAN PROMPTLY WITHOUT HINDERANCE BY RELATIVELY MINOR PROBLEM OF FINANCING. HE STATED BELIEF THAT IF, USG AND USSR COULD REACH UNDERSTANDING TO SUPPORT SYG'S DISBURSAL OF UN FUNDS, OTHER MEMBERS WOULD NOT OBJECT.

STAVROPOULOS AGREED ON IMPORTANCE OF SYG MOVING AHEAD NOW TO ESTABLISH ICRC INSPECTORATE. STAVROPOULOS STATED SYG WAS PREPARED TO PAY OUT UN FUNDS TO THIS END, PROVIDED THAT USG WOULD ASSURE HIM THAT QUOTE IF THE WORST CAME UNQUOTE USG WOULD REIMBURSE UN. BUT, STAVROPOULOS SAID, SYG WOULD MAKE GOOD FAITH ATTEMPT TO ENSURE UN FINANCING.

NOYES SUGGESTED SYG MIGHT, IF HE PERSISTED IN VIEW THAT SC AUTHORIZATION NECESSARY, IN EFFECT ACHIEVE SUCH BY CIRCULATING LETTER AMONG MEMBERS OF SC, WHICH WOULD APPRISE THEM OF HIS INTENTION TO PROCEED WITH ICRC OPERATION, AND ALLUE IN GENERAL WAY TO ITS FINANCING. IN ABSENCE OF OBJECTION, SYG

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COULD THEN ASSUME SC'S BLESSING. THIS WOULD SUFFICE UNTIL SC MEETS IN WEEK OR TEN DAYS TO CONSIDER BROADER QUESTIONS. STAVROPOULOS SAID THAT SUCH PROCEDURE MIGHT BE SOLUTION.

IN ANY CASE, NOYES SAID USG HAD ALREADY ASSURED SYG IN CONFIDENCE IT WOULD NOT LET FINANCES STAND IN WAY OF ICRC OPERATION. STAVROPOULOS SAID THAT THIS WAS WHAT SYG NEEDED.

WE BELIEVE STAVROPOULOS NOW SEES WAY OF SYG MOVING AHEAD WITHOUT INSISTING ON SC MEETING BEFORE PAYING ICRC BILLS. IT WAS CLEARLY UNDERSTOOD THAT STAVROPOULOS WOULD ADVISE SYG PROCEEDING ON BASIS UN PAYMENT; ONLY IN EVENT GA FAILS TO APPROVE SUPPLEMENTARY ESTIMATES WOULD USG REIMBURSE UN FOR ICRC EXPENDITURES AND, IN MEANTIME, SYG WILL REVEAL TO NO OTHER MEMBER USG UNDERWRITING OF THOSE EXPENSES.

STEVENSON

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